

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION

HARLEYSVILLE PREFERRED)	
INSURANCE COMPANY a/s/o)	
DESIGNED ALLOY PRODUCTS, INC.,)	
)	
Plaintiff,)	1:15-cv-00087
v.)	JURY DEMANDED
)	Judge Harry S. Mattice, Jr.
INDUCTOTHERM CORP.,)	Magistrate Judge Christopher H.
)	Steger
Defendant.		

AGREED ORDER PROTECTING UNWARRANTED DISCLOSURE
OF WITNESS STATEMENTS FROM TOSHA INSPECTION FILE

Pursuant to Tennessee Code Annotated § 50-3-302(d) (“Witness; production of evidence”), all names, job titles, and other information that may be used to identify a witness who is interviewed during the course of an investigation by the Tennessee Occupational Safety and Health Administration (“TOSHA”) “shall be considered confidential and shall not be a public record pursuant to title 10, chapter 7” of the Tennessee Code. *See* Tenn. Code Ann. § 50-3-302(d).

Accordingly, the undersigned parties to this pending action and counsel to such parties agree to be bound by the following terms regarding the witness identities and statements contained in TOSHA Inspection # 317445526 (Re: Designed Alloy Products Inc.; DOI: 10/25/2013):

The parties and counsel to each party may utilize the witness statements only to the extent necessary for the party to prosecute or to defend itself in this immediate action and for no other purpose;

Only the parties, management members of the parties, liability insurance carriers, if any,

consulting and testifying experts, and legal counsel to the parties, who have a need to review the witness statements in order to prepare their case in this pending matter, are entitled to view the witness statements;

The parties and counsel for each party will ensure that these witness statements are secured and safeguarded at all times to prevent disclosure to other persons or entities;

The parties, and counsel for each party, will not disclose the contents of the witness statements, or the identity of any witness, to any other person, entity, organization, or association, except such information legally necessary for any party to prepare and present its case in this pending matter;

All parties, and their respective counsel, having received a copy of the witness statements at issue, will destroy all witness statements, and any copies made of witness statements, once this pending matter has become final as to that party, and will certify to the Court that it has complied with this protective order. The parties will serve a copy of the certification on TOSHA; and

Notwithstanding any other provision of this order, a witness statement may be used at a deposition, hearing or trial as provided, and to the extent permitted, by the applicable rules of civil procedure and evidence.

IT IS SO ORDERED.

s/Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE

THE UNDERSIGNED COUNSEL, ON BEHALF OF THEMSELVES AND THE PARTIES THEY REPRESENT, CERTIFY THAT THEY HAVE READ THIS PROTECTIVE ORDER AND THAT THEY AGREE TO COMPLY WITH IT AND BE BOUND BY IT.

APPROVED FOR ENTRY:

LEWIS, THOMASON, KING, KRIEG & WALDROP, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on this the 4th day of November, 2015, a copy of the foregoing Agreed Order was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. all other parties will be served by regular U.S. mail. Parties may access this filing through the court's electronic filing system.

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_____/s/ R. Dale Bay_____